

**UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

C.M., Michael Borrego Fernandez, J.M.C.,
E.R., *on behalf of themselves and all others*
similarly situated, et al.,

Plaintiffs,

v.

Case No 1:25-cv-23182-RAR

KRISTI NOEM, *Secretary of the United*
States Department of Homeland Security, et
al.,

Defendants.

THE STATE DEFENDANTS' MOTION FOR EXTENSION

Defendants Ron DeSantis, in his official capacity as Governor of the State of Florida, Kevin Guthrie, in his official capacity as Executive Director of the Florida Division of Emergency Management, and the Florida Division of Emergency Management (State Defendants), pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), move to extend the time to respond to the Plaintiffs' Renewed Motion for Class Certification (Motion) (ECF 30) until September 23, 2025.

1. Plaintiffs filed the Complaint for Declaratory and Injunctive Relief on July 16, 2025. ECF 1. Plaintiffs filed their Motion to Certify Class and Memorandum of Law in Support the next day, July 17, 2025. ECF 6. Plaintiffs filed their Renewed Motion to Certify Class and Memorandum of Law in Support on July 29, 2025. ECF 30. Under this Court's Local Rules, the State Defendants' response is due within 14 days, or August 12, 2025. S.D. Fla. L. R. 7.1(c)(1).

2. Counsel for the State Defendants have been working diligently on this case since being retained. Indeed, they recently filed their expedited response to Plaintiffs' Renewed Motion for Preliminary Injunction and are currently preparing for an expedited August 18th hearing. As a

result, the State Defendants need additional time to respond to Plaintiffs' Motion.

3. In addition, the State Defendants should not be required to respond to a motion to certify a class before the Court determines if venue is proper in this Southern District – which the Court has indicated it will address during the August 18th hearing – or before the Court rules on any forthcoming motions to dismiss or to dismiss as moot. That is especially true here where the Court has made clear that it does not intend to address the Motion during the August 18th hearing. *See* ECF 43.

4. Instead, if the Court determines venue is proper in the Southern District, the State Defendants should be allowed to respond to the Motion when they respond to the Supplemental Complaint. Indeed, if Plaintiffs had filed the Motion with the Complaint, or only one day earlier, then pursuant to Local Rule 7.1(c)(1), the State Defendants' response would be due the same day as their response to the Supplemental Complaint – or September 23, 2025. *See supra* ¶ 5-6. Serving a motion one day later should not prejudice the State Defendants by robbing them of more than 40 days' response time and requiring them to respond to a motion for class certification while simultaneously responding to an expedited motion for preliminary injunction and preparing for an expedited hearing.

5. The State Defendants were served with the Complaint on July 25, 2025. Pursuant to Rule 12 (a)(1)(A)(i), the State Defendants response is due August 15, 2025. The Federal Defendants were served on the same day. Pursuant to Rule 12 (a)(2), their response is due September 23, 2025.¹

¹ Plaintiffs filed a Supplemental Complaint on July 29, 2025 (ECF 28). To the extent this Court treats their response to the Supplemental Complaint the same as a response to an amended pleading under Fed. R. Civ. P. 15(a)(3), their response is due the later of 14 days after the Supplemental Complaint (August 12, 2025), or on the original response deadline. Thus, the Federal Defendants' response remains due on the original date, or September 23, 2025.

6. This Court's civil procedures, however, provide that: "[w]here a complaint names multiple defendants, defendants shall submit a single combined response or separate answers within the time allowed by the Federal Rules of Civil Procedure for the last-served defendant to respond." Thus, the State and Federal Defendants' deadlines to respond to the Supplemental Complaint are both September 23, 2025.

7. Accordingly, the State Defendants request that the Court extend their deadline to respond to the Motion to align it with their deadline to respond to the Supplemental Complaint, or until September 23, 2025.

8. Extending this deadline will not unduly delay this case or prejudice Plaintiffs. The Court has indicated that it does not need full briefing to conduct the required "preliminary peek" at the Motion when considering the Renewed Motion for Preliminary Injunction. And parties typically do not fully brief and respond to motions for class certification before responding to the underlying class complaint. Thus, the requested extension would not unduly delay consideration of the Motion.

9. The State Defendants' counsel conferred with Plaintiffs' counsel, who objects to the requested extension and indicated to the undersigned that it plans to file a response in opposition to this motion.

WHEREFORE, the State Defendants ask this Court to extend their deadline to respond to the Renewed Motion for Class Certification until September 23, 2025.

Dated: August 9, 2025

Respectfully submitted,

/s/ Nicholas J.P. Meros
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RULE 7.1(a)(3) CERTIFICATION

Pursuant to Local Rule 7.1(a)(3), I hereby certify that counsel for the State Defendants conferred with counsel for the Plaintiffs by e-mail on August 9, 2025, in a good faith effort to resolve the issues raised in this motion. Plaintiffs' counsel objects to the relief sought and indicated that it plans to file a response in opposition to this motion.

/s/ Nicholas J.P. Meros
Counsel for the State Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Court's CM/ECF system, which provides notice to all parties, on August 9, 2025.

/s/ Nicholas J.P. Meros
Counsel for the State Defendants